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Attorneys for James Conn

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**LIFE ENRICHMENT FOUNDATION,
individually and on behalf of all others
similarly situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 09633 (LBS)

[Additional captions on succeeding pages.]

**JAMES CONN'S MOTION FOR APPOINTMENT AS LEAD PLAINTIFF FOR THE
FIRST REPUBLIC MERGER CLASS AND APPROVAL OF LEAD PLAINTIFF**

**MICHAEL J. SAVENA, Individually and on
behalf of all others similarly situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 09837 (LBS)

**GARY KOSSEFF, Individually and On
Behalf of All Others Similarly Situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 10984 (LBS)

**ROBERT R. GARBER, Individually and on
behalf of all others similarly situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 11080 (LBS)

**JAMES CONN, Individually and On Behalf
of All Others Similarly Situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, JEFFREY N.
EDWARDS, LAWRENCE A. TOSI,
ARMANDO M. CODINA, VIRGIS W.
COLBERT, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH MAYHEW
JONAS, AULANA L. PETERS, JOSEPH W.
PRUEHER, ANN N. REESE, and CHARLES
O. ROSSOTTI,**

Defendants.

Civil Action No. 07 Civ. 11626 (LBS)

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of James Conn's Motion for Appointment as Lead Plaintiff of the Merger Class and Approval of Lead Counsel, filed herewith, proposed Lead Plaintiff James Conn hereby moves this Court, the Honorable Leonard B. Sand, in the United States District Court, Southern District of New York, Courtroom 15A, 500 Pearl Street, New York, New York, 10007, for an Order pursuant to Section 27D(a)(3)(B) of the Securities Act of 1933, as amended by the Private Securities Litigation Reform Act of 1995:

(a) appointing James Conn as Lead Plaintiff for the following class:

All persons and entities who acquired Merrill Lynch & Co., Inc. securities as a result of the exchange of First Republic Bank securities pursuant to the Registration Statement and Proxy/Prospectus, and who were damaged thereby (the "Merger Class");¹ and

(b) approving Lead Plaintiff's selection of Pomerantz Haudek Block Grossman & Gross LLP and Cotchett, Pitre & McCarthy as Lead Counsel for the Merger Class.

Dated: December 31, 2007

Respectfully submitted,

/s Stanley M. Grossman

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¹ Excluded from the Class are the Individual Defendants, members of the Individual Defendants' immediate families, any entity in which any defendant has a controlling interest, and the legal representatives, heirs, successors or assigns of any such excluded person.

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